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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,956	11/21/2003	Matias Duarte	4676P052	4424

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EXAMINER

SHANKAR, VIJAY

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/718,956

Applicant(s)

DUARTE ET AL.

Examiner

VIJAY SHANKAR

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: In the specification, on page 33, line 11; Serial No. and Filed date is missing .

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Finke-Anlauff (US 6,850,226 B2).

Regarding Claims 1,17,33, Finke-Anlauff teaches a data processing apparatus comprising: a body having a memory for storing program code and data, and a processor for processing the program code and data, and a first group of control elements and a second group of control elements for entering data and performing control operations (Figs.1-8; Column 2, line 36- Col.4, line 47); a numeric keypad moveably coupled to the body, the numeric keypad moveable from a first keypad position to a second keypad position in relation to the body, wherein both the first and second groups of control elements are exposed when the numeric keypad is in

the second position, and wherein only the second group of control elements are exposed when the numeric keypad is in the first position (Figs.3-7; Column 2, line 36- Col.4, line 25); and a display moveably coupled to the numeric keypad, the display moveable from a first display position to a second display position in relation to the numeric keypad, wherein the numeric keypad is not exposed when the display is in the first position and wherein the numeric keypad is exposed when the display is in the second position (Figs.3-7; Column 2, line 36- Col.4, line 25).

Regarding Claims 2-3, 18-19, Finke-Anlauff teaches a data processing apparatus wherein the body comprises one or more tracks and wherein the numeric keypad comprises one or more pins for engaging with the tracks and guiding the numeric keypad from the first keypad position to the second keypad position in relation to the body; and the numeric keypad comprises one or more tracks and wherein the display comprises one or more pins for engaging with the tracks and guiding the display from the first display position to the second display position in relation to the numeric keypad. (Figs.1-8; Column 2, line 36- Col.4, line 47).

Regarding Claims 4,20, Finke-Anlauff teaches a data processing apparatus wherein a surface of the numeric keypad is parallel to a surface of the body when in the first keypad position and wherein the surface of the numeric keypad and the surface of the body are not parallel when the numeric keypad is in the second keypad position. (Figs.3-7; Column 2, line 36- Col.4, line 4).

Regarding Claims 5,21, Finke-Anlauff teaches a data processing apparatus wherein the first group of control elements are covered by the numeric keypad when the numeric keypad is in the first position. (Figs.3-7 )

Regarding Claims 6,22, Finke-Anlauff teaches a data processing apparatus wherein the first group of control elements comprise a keyboard. (fig.5).

Regarding Claims 7,23, Finke-Anlauff teaches a data processing apparatus wherein the second group of control elements are not covered by the numeric keypad when the numeric keypad is in the first position. (Figs.3-7).

Regarding Claims 8,24, Finke-Anlauff teaches a data processing apparatus wherein the second group of control elements comprise a control knob and a set of control buttons. (Figs.3-7).

Regarding Claims 9,25, Finke-Anlauff teaches a data processing apparatus wherein the second display position is associated with a telephony mode of operation of the data processing apparatus and wherein the numeric keypad is a telephony keypad. (Figs.1 and 8; Column 4, line 4- 41).

Regarding Claims 10,26, Finke-Anlauff teaches a data processing apparatus wherein the first keypad position is associated with the telephony mode of operation. (Figs.1 and 8; Column 4, line 4-41).

Regarding Claims 11,27, Finke-Anlauff teaches a data processing apparatus as in claim 1 wherein a surface of the display is parallel to a surface of the numeric keypad when the display is in the first display position and wherein the surface of the display and the surface of the numeric keypad are not parallel when the display is in the second display position. (Figs.1-8; Column 2, line 36- Col.4, line 47).

Regarding Claims 12,28, Finke-Anlauff teaches a data processing apparatus wherein the numeric keypad is coupled to the body at a pivot point and rotatable around the pivot point from the first keypad position to the second keypad position in relation to the body. (Figs.1-8; Column 2, line 36- Col.4, line 47).

Regarding Claims 13,29, Finke-Anlauff teaches a data processing apparatus further comprising: a switch configured to trigger when the numeric keypad is rotated between the first position and the second position; and image inversion logic to invert images on the display responsive to the switch triggering. (Figs.1-8; Column 2, line 36- Col.4, line 47).

Regarding Claims 14,30, Finke-Anlauff teaches a data processing

apparatus as in claim 1 having a first operational mode and a second operational mode associated with the first keypad position and the second keypad position, respectively. (Figs.1-8; Column 2, line 36- Col.4, line 47).

Regarding Claims 15,31, Finke-Anlauff teaches a data processing apparatus wherein the second operational mode comprises a data entry mode in which text may be entered via the first group of control elements. (Figs.1-8; Column 2, line 36- Col.4, line 47).

Regarding Claims 16,32, Finke-Anlauff teaches a data processing apparatus having a third operational mode associated with the first keypad position and the second display position, the third operational mode for performing telephony functions. (Figs.1-8; Column 2, line 36- Col.4, line 47).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is (571) 272-7682. The examiner can normally be reached on M-F 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BIPIN SHALWALA can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Vijay Shankar', written in a cursive style.

VIJAY SHANKAR  
Primary Examiner  
Art Unit 2629

VS